

## Message Text

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ACTION ACDA-12

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDE-00 SOE-02 AF-10  
ARA-10 CIAE-00 DODE-00 EA-10 PM-05 H-01 INR-10  
L-03 NASA-01 NEA-10 NSAE-00 NSC-05 OIC-02 SP-02  
PA-01 DOE-11 CEQ-01 OES-07 SS-15 USIA-06 NRC-05  
/155 W

-----106130 031824Z /53

P 031817Z MAR 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 6754  
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 03389

RW MESSAGE NO. 15

E.O. 11652: GDS  
TAGS: PARM, US, UR  
SUBJECT: US-USSR WORKING GROUP ON RADIOLOGICAL WEAPONS:  
USDEL PROPOSAL REGARDING U.S. ELEMENTS 1 AND 2

REF: A)STATE 4624, B)GENEVA 2986, C)GENEVA 3240

1. SUMMARY: THIS MESSAGE PROPOSES RESTRUCTURING THE  
PRESENT U.S. LANGUAGE FOR ELEMENTS 1 AND 2 SO AS TO  
REFLECT MORE PRECISELY THE U.S. POSITION ON THE ISSUES  
INVOLVED. END SUMMARY.

2. DISCUSSIONS WITH THE SOVIETS, AS WELL AS OUR OWN  
ANALYSIS OF THE U.S. REFORMULATION OF ELEMENT 2 (REF A),  
HAVE REVEALED CERTAIN INCONSISTENCIES IN THAT LANGUAGE.  
THE U.S. POSITION IN THE NEGOTIATIONS CLEARLY WILL BE  
STRENGTHENED IF THOSE INCONSISTENCIES ARE ELIMINATED. WE  
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BELIEVE THAT CAN BE DONE BY REARRANGING THE VARIOUS  
COMPONENTS OF ELEMENTS 1 AND 2.

3. THE U.S. REFORMULATION OF ELEMENT 2 WHEN READ IN  
CONJUNCTION WITH ELEMENT 1, DOES NOT APPEAR FULLY COM-  
PATIBLE WITH THE OBJECTIVE UNDERLYING THE ADDITION OF THE  
PHRASE "OR USED." ACCORDING TO REF (A), THAT OBJECTIVE

IS TO PROHIBIT THE USE AS A WEAPON OF RADIOACTIVE MATERIAL NOT SPECIFICALLY FABRICATED AS A WEAPON, WITHOUT SUBJECTING SUCH MATERIAL TO PROHIBITION ON MANUFACTURE APPLICABLE TO SPECIFICALLY DESIGNED EQUIPMENT OR DEVICES. THE REFORMULATION OF ELEMENT 2, HOWEVER, DOES NOT MAKE THIS LATTER POINT CLEAR. IN FACT, SINCE ELEMENT 1 PROHIBITS THE DEVELOPMENT, PRODUCTION, STOCKPILING, ETC., OF RADIOLOGICAL WEAPONS, REFERENCE IN THE DEFINITION OF SUCH WEAPONS TO THE USE FOR PROHIBITED PURPOSES OF RADIOACTIVE MATERIALS NOT SPECIFICALLY DESIGNED AS WEAPONS COULD BE INTERPRETED AS SUBJECTING SUCH MATERIALS TO PROHIBITION UNDER ELEMENT 1.

4. IN OUR VIEW, THIS PROBLEM CAN BE RESOLVED, WITHOUT AFFECTING OUR OBJECTIVES, BY DEALING WITH THE ISSUE OF USE IN A SEPARATE ELEMENT. WE ALSO BELIEVE THAT IT WOULD BE MORE LOGICAL FOR THE NON-ASSISTANCE CLAUSE, NOW IN ELEMENT 1, TO FOLLOW, AS A SEPARATE ELEMENT, THOSE DEALING WITH PROHIBITIONS AND DEFINITION. WE PROPOSE, THEREFORE, THAT ELEMENTS 1 AND 2 BE BROKEN INTO FOUR AND READ AS FOLLOWS:

"ELEMENT NO. 1

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO DEVELOP, PRODUCE, STOCKPILE OR OTHERWISE ACQUIRE OR POSSESS RADIOLOGICAL WEAPONS.  
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"ELEMENT NO. 2

FOR THE PURPOSE OF THIS CONVENTION, THE TERM "RADIOLOGICAL WEAPONS" MEANS ANY EQUIPMENT, DEVICE OR MATERIAL, OTHER THAN A NUCLEAR EXPLOSIVE DEVICE, SPECIFICALLY DESIGNED TO CAUSE DESTRUCTION, DAMAGE OR INJURY BY MEANS OF THE RADIATION PRODUCED BY THE DECAY OF RADIOACTIVE MATERIAL.

"ELEMENT NO. 3

EACH STATE PARTY TO THE CONVENTION UNDERTAKES NOT TO USE RADIOLOGICAL WEAPONS AS DEFINED IN ELEMENT NO. 2 OR ANY EQUIPMENT, DEVICE OR MATERIAL NOT SPECIFICALLY DESIGNED AS A WEAPON, FOR THE PURPOSE OF CAUSING DESTRUCTION, DAMAGE, OR INJURY BY MEANS OF THE RADIATION PRODUCED BY THE DECAY OF RADIOACTIVE MATERIAL.

"ELEMENT NO. 4

EACH STATE PARTY TO THIS CONVENTION UNDERTAKES NOT TO

ASSIST, ENCOURAGE OR INDUCE ANYONE TO ENGAGE IN ANY  
ACTIVITIES CONTRARY TO THE PROVISIONS OF THIS CONVENTION."

5. WE BELIEVE THAT, IN REMOVING THE UNDESIRABLE AMBIGUITY  
NOTED ABOVE, THE FOREGOING LANGUAGE FOR ELEMENTS 1, 2 AND  
3 WILL ALSO CLARIFY THE U.S. POSITION TO THE SOVIETS, WHO  
SEEM TO BE CONFUSED BY THE INCLUSION OF "OR USED" IN OUR  
PRESENT ELEMENT 2 (REF B).

6. WITH REGARD TO THE OMISSION OF THE TERM "NATURAL"  
BEFORE "DECAY" IN OUR PROPOSED LANGUAGE, WE HAVE INDICATED  
TO THE SOVIETS THAT THAT TERM MIGHT NOT BE NECESSARY  
IT (REF C).

7. IN COMMENTING ON THE CURRENT VERSION OF U.S. ELEMENT  
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2, THE SOVIETS ALSO ASKED WHY THE U.S. FAILS TO MENTION

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INFO OCT-01 EUR-12 IO-13 ISO-00 ACDE-00 SOE-02 AF-10  
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P 031817Z MAR 78  
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TO SECSTATE WASHDC PRIORITY 6755  
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 03389

MEANS OF DELIVERY. WE ASSUME THAT SUCH MEANS ARE COVERED  
BY THE TERM "EQUIPMENT" AND, THEREFORE, WOULD STATE THAT  
NO SPECIFIC REFERENCE TO THEM IS NECESSARY.

8. WE WISH TO POINT OUT THAT IN ELEMENT 4 AS CITED ABOVE, TO COVER ASSISTANCE TO SUCH GROUPS OR INDIVIDUALS AS TERRORISTS, WE HAVE SUBSTITUTED "ANYONE" FOR "ANY OTHER STATE, GROUP OF STATES OR INTERNATIONAL ORGANIZATION."

9. ACTION REQUESTED: AUTHORIZATION TO TABLE LANGUAGE PROPOSED IN PARA 4 AND TO DEAL WITH THE ISSUE OF MEANS OF DELIVERY AS INDICATED IN PARA 7. WE ANTICIPATE A MEETING ON RW NEXT WEEK AND WOULD APPRECIATE A RESPONSE BY WEDNESDAY, MARCH 8. SORENSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, AGREEMENT DRAFT, ADVANCED WEAPONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
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**Enclosure:** n/a  
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**TAGS:** PARM, US, UR  
**To:** STATE  
**Type:** TE  
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